
SENATE BILL 5917

State of Washington

57th Legislature

2001 Regular Session

By Senators Prentice, Winsley, Benton, Rasmussen and Gardner

Read first time 02/07/2001. Referred to Committee on Labor, Commerce & Financial Institutions.

1 AN ACT Relating to worker rights under industrial insurance;
2 amending RCW 51.14.100, 51.28.010, 51.28.020, 51.28.080, and 51.36.010;
3 creating a new section; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 51.14.100 and 1971 ex.s. c 289 s 34 are each amended
6 to read as follows:

7 (1) Every employer subject to the provisions of this title shall:

8 (a) Post and keep posted in a conspicuous place or places in and
9 about his or her place or places of business a reasonable number of
10 typewritten or printed notices of compliance substantially identical to
11 a form prescribed by the director, stating that such employer is
12 subject to the provisions of this title. Such notice shall advise
13 whether the employer is self-insured or has insured with the
14 department, and shall designate a person or persons on the premises to
15 whom report of injury shall be made; and

16 (b) Within thirty days of hire, using a form prescribed by the
17 department, or a substantially identical form, notify workers of the
18 process for filing a claim under this title. The notice must specify

1 their right to receive health services from a provider of the worker's
2 choice under RCW 51.36.010 and 51.36.015.

3 (2) Any employer who has failed to open an account with the
4 department or qualify as a self-insurer shall not post or permit to be
5 posted on or about his or her place of business or premises any notice
6 of compliance with this title and any willful violation of this
7 subsection by any officer or supervisory employee of an employer
8 (~~shall be~~) is a misdemeanor.

9 **Sec. 2.** RCW 51.28.010 and 1977 ex.s. c 350 s 32 are each amended
10 to read as follows:

11 (1) Whenever any accident occurs to any worker it shall be the duty
12 of (~~such~~):

13 (a) The worker or someone in his or her behalf to forthwith report
14 such accident to his or her employer, superintendent, or (~~foreman or~~
15 ~~forewoman~~) supervisor in charge of the work(~~(7)~~); and (~~of~~)

16 (b) The employer on receiving the report of the accident to:

17 (i) At once report such accident and the injury resulting therefrom
18 to the department pursuant to RCW 51.28.025(~~(, as now or hereafter~~
19 ~~amended,)~~) where the worker has received treatment from a physician,
20 has been hospitalized, disabled from work, or has died as the apparent
21 result of such accident and injury; and

22 (ii) Notify the worker of his or her right to receive health
23 services from a provider of the worker's choice under RCW 51.36.010 and
24 51.36.015.

25 (2) Upon receipt of such notice of accident, the department shall
26 immediately forward to the worker or his or her beneficiaries or
27 dependents notification, in nontechnical language, of their rights
28 under this title. The notice must specify the worker's right to
29 receive health services from a provider of the worker's choice under
30 RCW 51.36.010 and 51.36.015.

31 **Sec. 3.** RCW 51.28.020 and 1984 c 159 s 3 are each amended to read
32 as follows:

33 (1)(a) Where a worker is entitled to compensation under this title
34 he or she shall file with the department or his or her (~~self-~~
35 ~~insuring~~) self-insured employer, as the case may be, his or her
36 application for such, together with the certificate of the physician
37 who attended him or her(~~(, and it shall be the duty of)~~). An

1 application form developed by the department shall include a notice
2 specifying the worker's right to receive health services from a
3 provider of the worker's choice under RCW 51.36.010 and 51.36.015.

4 (b) The physician (~~(to)~~) who attended the injured worker shall
5 inform the injured worker of his or her rights under this title and
6 (~~(to)~~) lend all necessary assistance in making this application for
7 compensation and such proof of other matters as required by the rules
8 of the department without charge to the worker. The department shall
9 provide physicians with a manual which outlines the procedures to be
10 followed in applications for compensation involving occupational
11 diseases, and which describes claimants' rights and responsibilities
12 related to occupational disease claims.

13 (2) If application for compensation is made to a (~~(self-insuring)~~)
14 self-insured employer, he or she shall forthwith send a copy
15 (~~(thereof)~~) of the application to the department.

16 **Sec. 4.** RCW 51.28.080 and 1985 c 338 s 2 are each amended to read
17 as follows:

18 An employer shall be promptly notified by the department when it
19 has determined that a worker of that employer is entitled to
20 compensation under RCW 51.32.090. Notification shall include, in
21 nontechnical language, an explanation of the employer's rights under
22 this title and shall specify the worker's right to receive health
23 services from a provider of the worker's choice under RCW 51.36.010 and
24 51.36.015.

25 **Sec. 5.** RCW 51.36.010 and 1986 c 58 s 6 are each amended to read
26 as follows:

27 (1) Upon the occurrence of any injury to a worker entitled to
28 compensation under (~~(the provisions of)~~) this title, he or she shall
29 receive proper and necessary medical and surgical services at the hands
30 of a physician, or other health services provider acting within the
31 scope of his or her practice, of (~~(his or her)~~) the worker's own
32 choice, if conveniently located, and proper and necessary hospital care
33 and services during the period of his or her disability from such
34 injury(~~(, but the same)~~). An employer may not direct a worker to a
35 particular provider or kind of provider except as necessary to provide
36 emergency or first-aid treatment and care to the worker at the time of
37 injury or while transporting the worker to a medical facility.

1 (2) The benefits authorized under subsection (1) of this section
2 shall be limited in point of duration as follows:

3 In the case of permanent partial disability, not to extend beyond
4 the date when compensation shall be awarded him or her, except when the
5 worker returned to work before permanent partial disability award is
6 made, in such case not to extend beyond the time when monthly
7 allowances to him or her shall cease; in case of temporary disability
8 not to extend beyond the time when monthly allowances to him or her
9 shall cease: PROVIDED, That after any injured worker has returned to
10 his or her work his or her medical and surgical treatment may be
11 continued if, and so long as, such continuation is deemed necessary by
12 the supervisor of industrial insurance to be necessary to his or her
13 more complete recovery; in case of a permanent total disability not to
14 extend beyond the date on which a lump sum settlement is made with him
15 or her or he or she is placed upon the permanent pension roll:
16 PROVIDED, HOWEVER, That the supervisor of industrial insurance, solely
17 in his or her discretion, may authorize continued medical and surgical
18 treatment for conditions previously accepted by the department when
19 such medical and surgical treatment is deemed necessary by the
20 supervisor of industrial insurance to protect such worker's life or
21 provide for the administration of medical and therapeutic measures
22 including payment of prescription medications, but not including those
23 controlled substances currently scheduled by the state board of
24 pharmacy as Schedule I, II, III, or IV substances under chapter 69.50
25 RCW, which are necessary to alleviate continuing pain which results
26 from the industrial injury. In order to authorize such continued
27 treatment the written order of the supervisor of industrial insurance
28 issued in advance of the continuation shall be necessary.

29 (3) The supervisor of industrial insurance, the supervisor's
30 designee, or a self-insurer, in his or her sole discretion, may
31 authorize inoculation or other immunological treatment in cases in
32 which a work-related activity has resulted in probable exposure of the
33 worker to a potential infectious occupational disease. Authorization
34 of such treatment does not bind the department or self-insurer in any
35 adjudication of a claim by the same worker or the worker's beneficiary
36 for an occupational disease.

1 NEW SECTION. **Sec. 6.** By January 1, 2002, the department of labor
2 and industries must develop the forms required under sections 1 and 3
3 of this act.

4 NEW SECTION. **Sec. 7.** Sections 1 and 3 of this act take effect
5 January 1, 2002.

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